

FILED

2007 JAN 11 AM 10:59

U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

AS

GEORGE S. CARDONA
Acting United States Attorney
THOMAS P. O'BRIEN
Assistant United States Attorney
Chief, Criminal Division
ELLYN MARCUS LINDSAY (Cal. SBN: 116847)
Assistant United States Attorney
Major Frauds Section
1100 United States Courthouse
312 North Spring Street
Los Angeles, California 90012
Telephone: (213) 894-2041
Facsimile: (213) 894-6269
E-mail: ellyn.lindsay@usdoj.gov

Attorneys for Plaintiff
United States of America

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

WILLIAM CLOUD,

Defendant.

Case No. 07-

07-0028M

GOVERNMENT'S NOTICE OF REQUEST
FOR DETENTION

Plaintiff, United States of America, by and through its
counsel of record, hereby requests detention of defendant and gives
notice of the following material factors:

1. Temporary 10-day Detention Requested (§ 3142(d))
on the following grounds:

a. offense committed while defendant was on release
pending (felony trial), (sentencing) (appeal) or
on (probation) (parole);

b. alien not lawfully admitted for permanent
residence;

1 ___ c. flight risk;

2 ___ d. danger to community.

3 X 2. Pretrial Detention Requested (§ 3142(e)) because no
4 condition or combination of conditions will
5 reasonably assure against:

6 X a. danger to any other person or the community;

7 X b. flight.

8 ___ 3. Detention Requested Pending Supervised
9 Release/Probation Revocation Hearing (Rules
10 32.1(a)(6), 46(d), and 18 U.S.C. § 3143(a)):

11 ___ a. Defendant cannot establish by clear and
12 convincing evidence that he/she will not pose a
13 danger to any other person or to the community;

14 ___ b. Defendant cannot establish by clear and
15 convincing evidence that he/she will not flee.

16 ___ 4. Presumptions Applicable to Pretrial Detention (18
17 U.S.C. § 3142(e)):

18 ___ a. Title 21 or Maritime Drug Law Enforcement Act
19 ("MDLEA") (46 U.S.C. App. 1901 et seq.) offense
20 with 10-year or greater maximum penalty
21 (presumption of danger to community and flight
22 risk);

23 ___ b. offense under 18 U.S.C. § 924(c) (firearm
24 used/carried/possessed during/in relation to/in
25 furtherance of crime), § 956(a), or § 2332b
26 (presumption of danger to community and flight
27 risk);
28

1 _____ c. offense involving a minor victim under 18 U.S.C.
 2 §§ 1201, 1591, 2241, 2242, 2244(a)(1), 2245,
 3 2251, 2251A, 2252(a)(1)-(a)(3), 2252A(a)(1)-
 4 2252A(a)(4), 2260, 2421, 2422, 2423 or 2425
 5 (presumption of danger to community and flight
 6 risk);

7 _____ d. defendant currently charged with (I) crime of
 8 violence, (II) offense with maximum sentence of
 9 life imprisonment or death, (III) Title 21 or
 10 MDLEA offense with 10-year or greater maximum
 11 sentence, or (IV) any felony if defendant
 12 previously convicted of two or more offenses
 13 described in I, II, or III, or two or more state
 14 or local offenses that would qualify under I, II,
 15 or III if federal jurisdiction were present, or a
 16 combination of such offenses, AND defendant was
 17 previously convicted of a crime listed in I, II,
 18 or III committed while on release pending trial,
 19 AND the current offense was committed within five
 20 years of conviction or release from prison on the
 21 above-described previous conviction (presumption
 22 of danger to community).

23 X 5. Government Is Entitled to Detention Hearing
 24 Under § 3142(f) If the Case Involves:

25 _____ a. a crime of violence (as defined in 18 U.S.C.
 26 § 3156(a)(4)) or Federal crime of terrorism (as
 27 defined in 18 U.S.C. § 2332b(g)(5)(B)) for which
 28

1 maximum sentence is 10 years' imprisonment or
2 more;

3 _____ b. an offense for which maximum sentence is life
4 imprisonment or death;

5 _____ c. Title 21 or MDLEA offense for which maximum
6 sentence is 10 years' imprisonment or more;

7 _____ d. instant offense is a felony and defendant has two
8 or more convictions for a crime set forth in a-c
9 above or for an offense under state or local law
10 that would qualify under a, b, or c if federal
11 jurisdiction were present, or a combination or
12 such offenses;

13 _____ e. any felony not otherwise a crime of violence that
14 involves a minor victim or the possession or use
15 of a firearm or destructive device (as defined in
16 18 U.S.C. § 921), or any other dangerous weapon,
17 or involves a failure to register under 18 U.S.C.
18 § 2250;

19 X f. serious risk defendant will flee;

20 _____ g. serious risk defendant will (obstruct or attempt
21 to obstruct justice) or (threaten, injure, or
22 intimidate prospective witness or juror, or
23 attempt to do so).

24 _____ 6. Government requests continuance of _____ days for
25 detention hearing under § 3142(f) and based upon the
26 following reason(s):
27 _____
28 _____

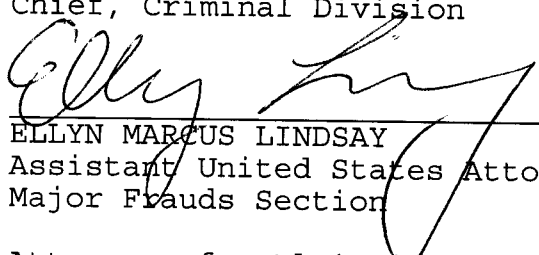
1 _____
2 _____
3 _____
4 _____ 7. Good cause for continuance in excess of three days
5 exists in that:
6 _____
7 _____
8 _____
9 _____

10 DATED: 1/11/07

Respectfully submitted,

11 GEORGE S. CARDONA
12 Acting United States Attorney

13 THOMAS P. O'BRIEN
14 Assistant United States Attorney
15 Chief, Criminal Division

16 
17 ELLYN MARCUS LINDSAY
18 Assistant United States Attorney
19 Major Frauds Section

20 Attorneys for Plaintiff
21 UNITED STATES OF AMERICA
22
23
24
25
26
27
28